

# DO WHAT'S RIGHT



## PARTICIPANT GUIDE

BUREAU OF LAND MANAGEMENT  
FIRE AND AVIATION - BOISE, IDAHO  
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## Welcome

This program is directed to everyone in the fire community, whether you are at a fire base or an outstation, and whether you are a smokejumper, a dispatcher, a firefighter, a module leader, an FMO, or work in a support position or as a contractor in the Fire organization. All of the issues apply to all of us. Everyone needs to understand their rights and responsibilities and the consequences of their actions. What is covered in this training comes down to, “Doing What’s Right.” We deserve a work place that we look forward to coming to each day. We have the right to feel proud of the work we do. Taking pride in the duties we perform and acting with integrity and respect is what today’s program is all about.

## Theme

We will refer throughout this session to Leadership and Professionalism. True leaders and professionals embody the personal values of duty, integrity and respect.

## Goals and Objectives

As employees representing the government you will be ready, willing, and able to do what’s right by:

- Acting consistently with your responsibilities;
- Exercising your rights; and
- Recognizing the consequences of inappropriate behavior to:
  - You
  - Safety and Health
  - Others
  - The Reputation of Your Organization

## Rights, Responsibilities and Consequences

All employees have a **right** to:

- A safe and healthy environment
- Freedom from discrimination and harassment
- Be treated with dignity and respect

All employees have the **responsibility** to:

- Perform all jobs in a safe manner
- Behave appropriately
- Treat others with dignity and respect
- Immediately report inappropriate behavior
- Correct inappropriate behavior
- Obey the law

Serious **consequences** can result for not doing what's right including:

- Compromising the safety of yourself and others
- Disciplinary action up to and including firing
- Embarrassment to the agency
- Personal liability
- Legal action
- A resulting criminal charge

## Section B – Inclusion and Respect

### Discussion Notes



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Thrive on the challenge of doing a job well.

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## Section C – Discrimination and Harassment

### Discussion Notes



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You are accountable for your actions on the line just as you are in the office.

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## Section D – Public Perception

### Discussion Notes



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The public's perception of a good fire season is different than ours.

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## Section E – Alcohol and Fitness for Duty

### Discussion Notes



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Reputation takes time to earn and no time to lose.

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## Section F – Social Media

### Discussion Notes



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Assume the public is always watching.

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# Section G – Ethical Behavior, Integrity and Policies

## Discussion Notes



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There are consequences for misconduct, even off duty.

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## What Our Colleagues Are Saying

We need to be professional, we need to have integrity; we're working for the Bureau of Land Management...let's go out there and do a great job."

Dan Gustafson, Fire Operations Supervisor

When Crew members use social media and personal devices while on the job you just have to be upfront with them and have that open line of communication tell them that there's a time and place for it. It's not here. Just make sure they know what their job is and how to do it and they aren't wasting time on their phones and computers and things like that.

Anthony Perez, Engine Captain

...we work for the public so we need to be professional at work. Equipment is clean, we look nice we're dressed nice, people use their manners, It's no different than dealing with your family at home. Be polite to them, Show up, do your job, we're going to be efficient and the public will see that.

Matt Crosswait, Engine Captain

Not being fit for duty is a trait you bring on yourself. It sets an example you don't want others to follow. It's a negative behavior.

Keith Barker, Fire Ecologist

...diversity is key to our organization being successful.... If we are serving diverse populations it's important our organization mimics the folks we are serving."

Tim Roide, Assistant Fire Management Officer - Fuels

Reputation is something you create for yourself and that will stay with you and you leave it behind also.

Jared Rosoff, Engine Operator

"Do What's Right" incorporates our core values...it should be something we do all the time.

Juan Zepeda, Dispatcher

Crew cohesion is very important. We do an inherently dangerous job and if the crew doesn't stick together and work together and communicate together it can make the job even more dangerous.

Andrew Garrell, Engine Captain

## Appendix 1 – The EEO Process

### EEO Counseling

As an employee or job applicant, you are protected from discrimination based on race, color, national origin, sex (including sexual harassment and sexual orientation), religion, age (40 years old or older), disability, or reprisal for your participation in the EEO process. Federal statutes and regulations—Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act, the Fair Labor Standards Act (Equal Pay Act), and 29 CFR. Part 1614 – are in place to offer relief to victims of discrimination.

An allegation of discrimination may result from any employment issue or action such as hiring, promotion, time and attendance, work environment, training, appraisal, discipline, firing, layoffs, or other terms, privileges, conditions, and benefits of employment.

#### What You Have To Do

If you believe you have been discriminated against, you have **45** days to contact an EEO Counselor to try to resolve the matter. EEO Counseling provides an opportunity to raise questions, discuss allegations, get timely information, and seek solutions.

#### What Counselors Do

- Determine the issue (actions the agency has taken that cause you to believe you have been discriminated against) and the basis (race, color, sex, religion, national origin, age, sexual orientation, disability or reprisal) of the matter.
- Conduct an inquiry in the **30** calendar days following the initial interview. Counseling can be extended an additional 60 days if you have agreed in writing to participate in an alternative dispute resolution (ADR) procedure.
- Seek resolution acceptable to both you and management.
- Document the resolution or advise you of your right to file a formal discrimination complaint.
- Counselors never act as advocates either for you or management.
- Counselors never determine if discrimination has occurred.

#### When Counseling Doesn't Resolve the Matter

If the problem has not been resolved by the end of the counseling period, the Counselor holds a final interview and issues a Notice of Final Interview. This provides information on how to file a formal complaint along with the names and addresses of persons authorized to receive complaints. You have **15** days to file a written formal complaint.

## Alternative Dispute Resolution – Mediation

ADR is an umbrella term for any one of several approaches to settling disputes and is a strategy for producing winners on both sides of a conflict.

ADR can be used to resolve both informal and formal EEO matters. If you choose ADR, your rights to traditional administrative redress and due process systems are preserved if ADR fails.

### Why Choose ADR

- It promotes the early resolution of EEO disputes;
- It reduces disruptions resulting from interpersonal conflicts in the work place;
- It promotes lasting solutions and may reduce the potential for future conflict;
- It fosters an environment of teamwork and cooperation.

### Mediation

Mediation, a type of ADR, is a confidential problem-solving process conducted in a neutral environment. It can be a timely, cost-effective and less-stressful alternative to other processes. Mediators are trained to facilitate communication about difficult issues. They guide individuals in reaching mutually-agreeable solutions to disputes using a process which ensures that the concerns of all parties are understood and considered.

### Who Uses Mediation?

Mediation can be appropriate when disputing parties want to resolve conflict and take responsibility for implementing agreed-upon solutions, especially when the primary relationship between the disputants extends beyond the conflict at hand. Mediation can help you to attain a better understanding of the issues.

### Who Are the Mediators?

Mediators may be BLM or other-agency employees, private-sector practitioners, or qualified persons from other sources. Mediators are neutral and do not render judgment or decision.

## Formal Complaints

Once the informal EEO counseling process is completed and there has not been a resolution, you can choose to file a formal complaint of discrimination. The complaint of discrimination must:

- be submitted in writing;
- be filed **within 15 days** of receipt of the EEO Counselor's Notice of Right to File a Discrimination Complaint;
- be specific and limited to matters discussed during informal counseling;
- should state to the complainant's best knowledge, information, and belief what personnel matter or action occurred in which they were treated differently from others not in their protected group (e. g., race, sex, age) and when it occurred; and
- be signed by you, the complainant, or your attorney.

The complaint can be mailed to the offices indicated on the Notice of Final Interview.

## Investigation of Complaints

If your complaint is accepted it must be processed within 180 days. An investigator is assigned who compiles a case file that includes witness statements and relevant documents. You will then be provided with a copy of the Record of the Investigation. Settlement attempts will continue.

After receiving the Record of Investigation you have 30 days to request either an immediate decision by the Department of Interior or a hearing before an Administrative Judge from EEOC. If a hearing is requested, the Administrative Judge will issue findings of fact and conclusions within 180 days and provide the Department with a recommended decision. The Department has 60 days to reject or modify or use the recommended decision.

## Age Discrimination Complaints

For complaints based on age, you may choose to forego the complaint process and go directly to court. You must advise the EEOC 30 days before such filing in District Court.

## Freedom from Retaliation

The complainant, representatives, witnesses, EEO Officers, investigators, and counselors are to be free from restraint, interference, coercion, discrimination, or reprisal at all stages of an EEO complaint. If any of these persons allege retaliation, they may file an individual complaint of discrimination.

## Appendix 2 – Sexual Harassment Quick Reference Guide

If you are a victim of sexually harassing behavior, you have several courses of action:

- Indicate to the harasser that the behavior is unwelcome.
- Ask co-workers if they observed the behavior or are aware of similar behavior.
- Indicate to your supervisor that the behavior is unwelcome.
- Keep a record of any instances of harassment and follow-up actions.
- Talk to your supervisor, someone in the chain of command, an EEO Counselor or the EEO Manager in your office about the behavior and courses of action available to you.

If you are an observer of questionable behavior:

- Ask the affected employee if it is a problem.
- Mention the incident or situation to your supervisor.
- Talk to the harasser about any behavior that bothers you personally.

Is it or isn't it sexual harassment? Here's an easy guideline. It is sexual harassment when:

- It goes beyond the point of comfort and is pervasive and severe.
- It is unwelcome and repeated.
- It interferes with a person's ability to work.
- It creates a hostile environment for an employee whether the harasser agrees or not.
- It includes same sex harassment and non-employee harassment.
- Employment opportunities or benefits are granted because of submission to requests for sexual favors.



## Appendix 3 – Administrative Grievance Procedures

### DOI Administrative Grievance Procedure, Part 370 DM, Chapter 771

**Applicability** – the grievance procedure is available to non-bargaining unit employees of the Department of the Interior and those bargaining unit employees who are not covered by a negotiated procedure or contract. Bargaining unit employees who are represented by a Union and covered under negotiated procedures should follow the grievance process contained within their respective contract.

**Grievance** – a request by an employee for personal relief in a matter of concern or dissatisfaction relative to their employment and which is subject to the control of management.

**Policy** – DOI encourages prompt, informal resolution of any dissatisfaction or disagreement amongst employees at the earliest opportunity and the lowest level possible. The DOI administrative grievance policy is a collaborative process, which promotes the use of ADR and attempts to avoid a “win-lose” outcome. Employees are free to use the grievance process without restraint, interference, coercion, discrimination, or reprisal.

**Alternative Dispute Resolution (ADR)** – a process for seeking consensual resolution of the issues and concerns underlying a grievance.

**Informal Procedure/ADR** – prior to engaging in the formal grievance process, the grievant and the grievance official are strongly encouraged, where appropriate, to engage in ADR in an attempt to resolve the issue. An employees must present a grievance in writing **within 15** days (all references to “days” means calendar days, unless otherwise stated) of the particular action or inaction giving rise to the grievance, or **15** days from the date the employee became aware of the action/inaction.

An informal grievance must be submitted in writing to the grievance official with a copy provided to the Servicing Human Resources Officer (SHRO). The option to pursue ADR, if not already considered and rejected, will be raised by the SHRO for consideration by the grievant. If there is no agreement to enter into the ADR process, the grievance official must provide the grievant a written decision within 10 days. If the relief requested is not granted, the grievant is to be advised of the time limit in which to request further consideration under the formal procedure. (In general, the time frame in which to request formal consideration is within 7 days of receipt of the informal decision or from the end of the ADR process).

Employees are not required to engage in the informal process where their grievance is related to a written reprimand or other disciplinary action that has provided an opportunity to respond and a subsequent decision in the matter. In those cases, employees may proceed directly to the formal grievance procedure

**Formal Procedure** – If the grievance is not resolved at the informal/ADR level, an employee may file a formal grievance. Formal grievances must be filed in writing, using the AGF (DI 7600) form and must include a copy of the informal decision or ADR termination document, as appropriate. Once accepted, the formal grievance will be assigned to an appropriate deciding official as determined by management in consultation with the SHRO. At management's discretion, ADR may again be offered at this point, which, if used, may hold the grievance in abeyance for up to 45 days. An employee is entitled to make an oral presentation on the grievance matter if they have requested to do so when completing the DI 7600 grievance form. The deciding official will provide a written response to the grievant within 20 days from the date the grievance matter was referred to them, or, if requested and made, 20 days from the date of the oral presentation. The decision/response from the deciding official should include a summary of the grievance, the consideration given to it, and the conclusion reached. The decision of the deciding official is final and there are no additional rights of appeal.

## Appendix 4 – Glossary

**Discrimination:** Illegal treatment of a person or group (either intentional or unintentional) based on race, color, national origin, religion, sex, handicap (physical or mental), age or reprisal.

**Equal Employment Opportunity (EEO):** The right to a safe and healthy environment, the right to freedom from discrimination and harassment, and the right to be treated with dignity and respect.

**Harassment:** Repeated attacks, to disturb persistently, torment, pester, persecute, tire out, and wear down. Under 29 CFR 1606.8(b), harassment: 1) has the purpose or effect of creating an intimidating hostile or offensive working environment; 2) has the purpose or effect of unreasonably interfering with an individual work environment; or 3) otherwise adversely affects an individual's employment opportunities. See also sexual harassment.

**Hazing:** Any action taken or situation created intentionally, to product mental or physical discomfort, embarrassment, or ridicule. Hazing is considered a form of harassment.

**Hostile Work Environment:** Unwelcome verbal or physical conduct based on race, color, national origin, religion, sex, handicap (physical or mental), age or reprisal which has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile or offensive working environment.

**Reprisal:** A management action taken against an employee because of their involvement in a current or prior discrimination complaint – as a complainant, witness, representative, counselor, or investigator, or because of their having protested prohibited discrimination.

**Sexual Harassment:** Unwelcome or unwanted sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual or harassing nature.